
Commerce & Labor Committee

HB 1920

Brief Description: Addressing overtime compensation for truckers transporting agricultural commodities.

Sponsors: Representatives Conway and Wood.

Brief Summary of Bill

- Requires overtime wages for employees transporting agricultural products and for certain other agricultural work unless the employee is employed by the farmer.

Hearing Date: 2/20/07

Staff: Joan Elgee (786-7106).

Background:

Under the state Minimum Wage Act, generally employees who work longer than 40 hours in a work week must be paid at least one and one-half times the regular rate. A number of employees are exempt, including individuals employed in delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity.

The Department of Labor & Industries issued a policy statement interpreting this provision as applying only to individuals who work for an employer who actually produces the products. In August 2006, however, the Washington Supreme Court, in *Cerillo v. Esparza*, held that the statute was not ambiguous and that truckers hauling agricultural commodities are exempt from the overtime requirements.

Summary of Bill:

The Minimum Wage Act overtime exemption for transporting agricultural or horticultural commodities to storage, market or to a carrier is limited to employees of an owner or operator of a farm for commodities produced by the owner or operator.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Similarly, an exemption for those employed in commercial canning, freezing or other commercial processing is limited to individuals employed by the owner or operator of a farm for commodities produced by the owner or operator. Exempt services performed in connection with oyster farming and in connection with any agricultural or horticultural commodity after its delivery to a terminal market are limited to services for products produced by the owner or operator.

Rules Authority: The bill does not address the rule-making powers of an agency.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.